

R162. Commerce, Real Estate.

R162-9. Continuing Education.

R162-9-1. Course Application for Certification.

9.1 Continuing education credit shall be given to students only for courses that are certified by the Division at the time the courses are taught. Course sponsors shall apply for course certification by submitting all forms and fees required by the Division not less than 30 days prior to the course being taught. Applications shall include at a minimum the following information which will be used in determining approval:

9.1.1 Name and contact information of the course sponsor and the name of the entity through which the course will be provided;

9.1.2 A description of the physical facility where the course will be taught;

9.1.2.1 Except for distance education courses, all courses must be taught in an appropriate classroom facility and not in a private residence.

9.1.3 The title of the course;

9.1.4 The proposed amount of credit hours for the course;

9.1.4.1 A credit hour is defined as 50 minutes within a 60-minute time period[-];

9.1.4.2 The minimum length of a course shall be one credit hour[-];

9.1.5 A statement defining how the course will meet the objectives of continuing education by increasing the licensee's knowledge, professionalism, and ability to protect and serve the public;

9.1.6 A course outline including, for each segment of no more than 15 minutes, a description of the subject matter;

9.1.7 A minimum of three learning objectives for every three hours of class time;

9.1.8 The name and certification number of each certified instructor who will teach the course;

9.1.9 Identification of whether the method of instruction will be traditional education or distance education;

9.1.9.1 A sponsor seeking certification of a distance education course shall:

9.1.9.1.1 submit to the Division a complete description of all course delivery methods and all media to be used;

9.1.9.1.2 provide course access to the Division using the same delivery methods and media that will be provided to the students;

9.1.9.1.3 describe specific and regularly scheduled interactive events included in the course and appropriate to the delivery method that will contribute to the students' achievement of the stated learning objectives;

9.1.9.1.4 describe how and when instructors will be available to answer student questions; and

9.1.9.1.5 provide an attestation from the sponsor of the availability and adequacy of the equipment, software, and other technologies needed to achieve the course's instructional claims.

9.1.10 Copies of all materials to be distributed to the participants;

9.1.11 The procedure for pre-registration, the tuition or

registration fee and a copy of the cancellation and refund policy;

9.1.12 Except for courses approved for distance education, the procedure for taking and maintaining control of attendance during class time, which procedure shall be more extensive than having the student sign a class roll;

9.1.13 A sample of the completion certificate which shall bear the following information:

(a) A Space for the licensee's name, type of license and license number, date of course;

(b) The name of the course provider, course title, hours of credit, certification number, and certification expiration date; and

(c) A Space for signature of the course sponsor and a space for the licensee's signature.

9.1.14 A signed statement agreeing not to market personal sales products;

9.1.15 A signed statement agreeing to allow the course to be randomly audited on an unannounced basis by the Division or its representative;

9.1.16 A signed statement agreeing to upload, within 10 days after the end of a course offering, to the database specified by the Division, the course name, course certificate number assigned by the Division, the date the course was taught, the number of credit hours, and the names and license numbers of all students receiving continuing education credit; ~~and~~

9.1.16.1 A course sponsor is not responsible for uploading information for students who fail to provide an accurate name or license number registered with the Division.

9.1.16.2 Continuing education credit will not be given to any student who fails to provide to a course sponsor an accurate name or license number registered with the Division within 7 days of attending the course~~[-]; and~~

9.1.17 Any other information as the Division may require.

R162-9-2. Determining Fitness for Course Certification.

9.2 The Division shall certify courses based on intellectual and practical content and whether the course increases the licensee's knowledge, professionalism and ability to protect and serve the public.

9.2.1 Courses in the following subjects may be certified as "core": state approved forms/contracts, ethics, agency, prevention of real estate and mortgage fraud, federal and state real estate laws, and brokers' trust accounts.

9.2.2 Courses in the following subjects may be certified as "elective":

9.2.2.1 Real estate financing, including mortgages and other financing techniques; real estate investments; real estate market measures and evaluation; real estate appraising; accounting and taxation as applied to real property; estate building and portfolio management for clients; settlement statements; real estate mathematics;

9.2.2.2 Real estate law; contract law; agency and subagency; real estate securities and syndications; regulation and management of timeshares, condominiums and cooperatives; resort and

recreational properties; farm and ranch properties; real property exchanging; legislative issues that influence real estate practice; real estate license law and administrative rules;

9.2.2.3 Land development; land use, planning and zoning; construction; energy conservation in buildings; water rights; real estate environmental issues and hazards including lead-based paint, underground storage tanks, radon, etc., and how they affect real estate; real estate inspections;

9.2.2.4 Property management; leasing agreements; accounting procedures; management contracts; landlord/tenant relationships;

9.2.2.5 Americans with Disabilities Act; Fair housing; affirmative marketing;

9.2.2.6 Commercial real estate; Tenants-in-Common;

9.2.2.7 Using the computer, the Internet, business calculators, and other technologies to directly increase the licensee's knowledge, professionalism and ability to protect and serve the public;

9.2.2.8 Professional development, business success, customer relation skills, or sales promotion, including salesmanship, negotiation, sales psychology, marketing techniques related to real estate knowledge, servicing clients, communication skills;

9.2.2.9 Personal and property protection for licensees and their clients; and

9.2.2.10 Any other topic that directly relates to the real estate brokerage practice and directly contributes to the objective of continuing education.

9.2.3 Non-acceptable course subject matter includes topics such as:

9.2.3.1 Offerings in mechanical office and business skills, such as typing, speed reading, memory improvement, language report writing, advertising, or similar offerings;

9.2.3.2 Physical well-being, personal motivation, stress management, dress-for-success, or similar offerings;

9.2.3.3 Meetings held in conjunction with the general business of the licensee and his broker, employer or trade organization, such as sales meetings, in-house staff or licensee training meetings, or member orientation for professional organizations;

9.2.3.4 Courses in wealth creation or retirement planning for licensees; and

9.2.3.5 Courses that are specifically designed for exam preparation.

R162-9-3. Course Certification Renewal.

9.3 Course certifications are valid for a period of two years. A certification may be renewed by submitting all forms and fees required by the Division prior to the expiration date of the current certification. Certifications not properly renewed shall expire on the expiration date.

9.3.1 A certification may be reinstated for a period of thirty days after expiration by complying with all requirements for a timely renewal and paying a non-refundable late fee.

9.3.2 A certification may be reinstated after thirty days and within six months after expiration by complying with all

requirements for a timely renewal and payment of a non-refundable reinstatement fee.

9.3.3 A certification that has been expired for more than six months may not be reinstated and an applicant must apply for a new certification following the same procedure as an original certification.

R162-9-4. Conduct and Standards of Practice.

9.4 In order to maintain good standing and renew a certification, a course sponsor shall:

9.4.1 Upon completion of a course offering, provide a certificate of completion, in the form required by the Division, to those students who attend a minimum of 90% of the required class time;

9.4.2 Maintain for three years a record of registration of each person completing an offering and any other prescribed information regarding the offering, including exam results, if any;

9.4.3 For distance education courses, give education credit only to students who complete the course within one year of the registration date;

9.4.4 Notify the Division in writing within 15 days of any material change in a certified course, for example, curriculum, course length, instructor, refund policy, etc.; and

9.4.5 Upon completion of a course offering, provide to each student a course evaluation, in the form required by the Division, and submit the completed course evaluations to the Division within 10 days.

R162-9-5. Instructor Application for Certification.

9.5 Continuing education credit shall be given to students only for courses that are taught by an instructor who is certified by the Division at the time the courses are taught. Applicants shall apply for instructor certification by submitting all forms and fees required by the Division not less than 30 days prior to the course being taught. Applications shall include at a minimum the following information which will be used in determining approval:

9.5.1 Name and contact information of the applicant;

9.5.2 Evidence of a minimum education level of graduation from high school or its equivalent;

9.5.3 Evidence of any combination of at least three years of full time experience and/or college-level education related to the course subject;

9.5.4 Evidence of at least twelve months of fulltime teaching experience or an equivalent number of months of part time teaching experience, or attendance at the Division's Instructor Development Workshops totaling at least two days in length;

9.5.5 A signed statement agreeing to allow the instructor's courses to be randomly audited on an unannounced basis by the Division or its representative;

9.5.6 A signed statement agreeing not to market personal sales products; and

9.5.7 Any other information as the Division may require.

R162-9-6. Determining Fitness for Instructor Certification.

9.6 The Division with the concurrence of the Commission shall certify instructors based on the applicant's honesty, integrity, truthfulness, reputation, and competency.

R162-9-7. Instructor Certification Renewal.

9.7 Instructor certifications are valid for a period of two years. A certification may be renewed by submitting all forms and fees required by the Division prior to the expiration date of the current certification.

9.7.1 Certifications not properly renewed shall expire on the expiration date.

9.7.1.1 A certification may be reinstated for a period of thirty days after expiration by complying with all requirements for a timely renewal and paying a non-refundable late fee.

9.7.1.2 A certification may be reinstated after thirty days and within six months after expiration by complying with all requirements for a timely renewal and paying a non-refundable reinstatement fee.

9.7.1.3 A certification that has been expired for more than six months may not be reinstated and an applicant must apply for a new certification following the same procedure as an original certification.

9.7.2 To renew an instructor certification an instructor must teach, during the previous renewal period, a minimum of 12 continuing education credit hours.

9.7.2.1 If the instructor has not taught a minimum of 12 hours during the previous renewal period, written explanation outlining the reason for not meeting the requirement and satisfactory documentation of the applicant's present level of expertise shall be provided to the Division.

R162-9-8. Marketing of Continuing Education Courses

9.8.1 A course sponsor may not advertise or market a continuing education course where Division continuing education course credit will be offered or provided to a licensed attendee unless the course:

- (a) is approved and has been issued a current continuing education course certification number by the Division; and
- (b) is advertised with the continuing education course certification number issued by the Division displayed in all advertising materials.

9.8.2 A course sponsor may not advertise, market, or promote a continuing education course with language which indicates Division continuing education course approval is "pending" or otherwise forthcoming.

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